

MONTANA LEGISLATIVE HISTORY

Chapter 242 19 85

Bill H 355 S \_\_\_\_\_ Original bill & history ✓ c

H. Committee on Judiciary

Hearing Date(s) Feb 08 ✓ c

Feb 09 ✓ c

\_\_\_\_\_ c

\_\_\_\_\_ c

Date Out Feb 11 ✓ c

S. Committee on Judiciary

Hearing Date(s) Mar 10 ✓ c

\_\_\_\_\_ c

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\_\_\_\_\_ c

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Did this bill originate in an interim committee? \_\_\_\_ Yes \_\_\_\_ No

Committee \_\_\_\_\_

Report \_\_\_\_\_

4/06 SIGNED BY PRESIDENT  
 4/07 TRANSMITTED TO GOVERNOR  
 4/12 SIGNED BY GOVERNOR  
 CHAPTER NUMBER 371  
 EFFECTIVE DATE: 07/01/95

HB 353 INTRODUCED BY WISEMAN, ET AL.

PROVIDE ENTIRE LICENSE TAX FOR SUPPORT OF AIRPORT LOAN  
 PROGRAM IS TO BE REFUNDED ON JET FUEL SOLD TO THE FEDERAL  
 DEFENSE FUEL SUPPLY CENTER

1/27 INTRODUCED  
 1/27 FIRST READING  
 1/27 REFERRED TO TAXATION  
 1/28 FISCAL NOTE REQUESTED  
 2/01 HEARING  
 2/02 Tabled in COMMITTEE  
 2/02 FISCAL NOTE RECEIVED  
 2/06 FISCAL NOTE PRINTED  
 3/29 MISSED TRANSMITTAL DEADLINE FOR 71ST DAY  
 DIED IN COMMITTEE

HB 354 INTRODUCED BY MILLS, ET AL.

REVISE LAWS GOVERNING MICROBUSINESS DEVELOPMENT

|      |                                            |    |    |
|------|--------------------------------------------|----|----|
| 1/27 | INTRODUCED                                 |    |    |
| 1/27 | FIRST READING                              |    |    |
| 1/27 | REFERRED TO APPROPRIATIONS                 |    |    |
| 2/08 | HEARING                                    |    |    |
| 2/13 | COMMITTEE REPORT—BILL PASSED               |    |    |
| 2/15 | 2ND READING PASSED                         | 86 | 14 |
| 2/16 | 3RD READING PASSED                         | 89 | 11 |
|      | TRANSMITTED TO SENATE                      |    |    |
| 2/21 | FIRST READING                              |    |    |
| 2/21 | REFERRED TO FINANCE & CLAIMS               |    |    |
| 2/28 | HEARING                                    |    |    |
| 3/02 | FISCAL NOTE REQUESTED                      |    |    |
| 3/02 | FISCAL NOTE RECEIVED                       |    |    |
| 3/04 | FISCAL NOTE PRINTED                        |    |    |
| 3/09 | COMMITTEE REPORT—BILL CONCURRED AS AMENDED |    |    |
| 3/14 | 2ND READING CONCURRED                      | 48 | 1  |
| 3/15 | 3RD READING CONCURRED                      | 48 | 2  |
|      | RETURNED TO HOUSE WITH AMENDMENTS          |    |    |
| 4/03 | 2ND READING AMENDMENTS CONCURRED           | 98 | 1  |
| 4/04 | 3RD READING AMENDMENTS CONCURRED           | 87 | 12 |
| 4/06 | SIGNED BY SPEAKER                          |    |    |
| 4/07 | SIGNED BY PRESIDENT                        |    |    |
| 4/10 | TRANSMITTED TO GOVERNOR                    |    |    |
| 4/13 | SIGNED BY GOVERNOR                         |    |    |
|      | CHAPTER NUMBER 413                         |    |    |
|      | EFFECTIVE DATE: 07/01/95                   |    |    |

HB 355 INTRODUCED BY REHBEIN, ET AL.

CHANGE PERIOD OF TIME WITHIN WHICH A PROSECUTION FOR THEFT  
 MUST BE COMMENCED

1/27 INTRODUCED  
 1/27 FIRST READING  
 1/27 REFERRED TO JUDICIARY  
 2/08 HEARING  
 2/11 COMMITTEE REPORT—BILL PASSED AS AMENDED

|      |                                 |    |   |
|------|---------------------------------|----|---|
| 2/15 | 2ND READING PASSED              | 94 | 1 |
| 2/16 | 3RD READING PASSED              | 99 | 1 |
|      | TRANSMITTED TO SENATE           |    |   |
| 2/21 | FIRST READING                   |    |   |
| 2/21 | REFERRED TO JUDICIARY           |    |   |
| 3/10 | HEARING                         |    |   |
| 3/11 | COMMITTEE REPORT—BILL CONCURRED |    |   |
| 3/17 | 2ND READING CONCURRED           | 47 | 0 |
| 3/18 | 3RD READING CONCURRED           | 46 | 0 |
|      | RETURNED TO HOUSE               |    |   |
| 3/20 | SIGNED BY SPEAKER               |    |   |
| 3/22 | SIGNED BY PRESIDENT             |    |   |
| 3/23 | TRANSMITTED TO GOVERNOR         |    |   |
| 3/27 | SIGNED BY GOVERNOR              |    |   |
|      | CHAPTER NUMBER 247              |    |   |
|      | EFFECTIVE DATE: 10/01/95        |    |   |

HB 356 INTRODUCED BY BOHARSKI, ET AL.  
 IMPLEMENT TRUTH IN SENTENCING BY MAKING TIME A PRISONER WILL  
 ACTUALLY SERVE MORE APPARENT  
 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN  
 SERVICES

|      |                                                                  |    |    |
|------|------------------------------------------------------------------|----|----|
| 1/27 | INTRODUCED                                                       |    |    |
| 1/27 | FIRST READING                                                    |    |    |
| 1/27 | REFERRED TO JUDICIARY                                            |    |    |
| 1/28 | FISCAL NOTE REQUESTED                                            |    |    |
| 2/02 | FISCAL NOTE RECEIVED                                             |    |    |
| 2/02 | FISCAL NOTE PRINTED                                              |    |    |
| 2/13 | HEARING                                                          |    |    |
| 2/16 | COMMITTEE REPORT—BILL PASSED AS AMENDED                          |    |    |
| 2/18 | 2ND READING PASSED                                               | 96 | 2  |
| 2/20 | 3RD READING PASSED                                               | 96 | 4  |
|      | TRANSMITTED TO SENATE                                            |    |    |
| 2/21 | FIRST READING                                                    |    |    |
| 2/21 | REFERRED TO JUDICIARY                                            |    |    |
| 3/14 | HEARING                                                          |    |    |
| 3/15 | COMMITTEE REPORT—BILL CONCURRED                                  |    |    |
| 3/24 | 2ND READING CONCURRED AS AMENDED                                 | 39 | 10 |
| 3/25 | 3RD READING CONCURRED                                            | 40 | 10 |
|      | RETURNED TO HOUSE WITH AMENDMENTS                                |    |    |
| 3/31 | 2ND READING AMENDMENTS CONCURRED                                 | 94 | 1  |
| 4/03 | 3RD READING AMENDMENTS CONCURRED                                 | 98 | 0  |
| 4/05 | SIGNED BY SPEAKER                                                |    |    |
| 4/06 | SIGNED BY PRESIDENT                                              |    |    |
| 4/07 | TRANSMITTED TO GOVERNOR                                          |    |    |
| 4/12 | SIGNED BY GOVERNOR                                               |    |    |
|      | CHAPTER NUMBER 372                                               |    |    |
|      | EFFECTIVE DATE: 04/12/95—SECTIONS 1, 2, 4-6, 8-11, 12(1)<br>& 13 |    |    |
|      | EFFECTIVE DATE: 01/31/97—SECTIONS 3, 7, & 12(2)                  |    |    |

HB 357 INTRODUCED BY BOHARSKI, ET AL.  
 CREATE A COMMISSION ON SENTENCING TO STUDY SENTENCING  
 PRACTICES AND GUIDELINES AND EFFECTS OF SENTENCES  
 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN  
 SERVICES

1/27 INTRODUCED

House BILL NO. 355

INTRODUCED BY

*Rehbein*  
*Kenny Mercer Holland Jack Murray Trent Foster*

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE PERIOD OF TIME WITHIN WHICH A PROSECUTION FOR THEFT MUST BE COMMENCED; AND AMENDING SECTION 45-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-1-205, MCA, is amended to read:

**"45-1-205. General time limitations.** (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, 45-5-625, or 45-5-627 may be commenced within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time that the offense occurred.

(2) Except as provided in subsection (7)(b) or as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The periods prescribed in subsection (2) are extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination of the minority or incompetency;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) must be extended in a prosecution for unlawful use of a computer, and prosecution must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery,

1 within 1 year after the prosecuting officer becomes aware of the offense.

2 (5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and  
3 wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is  
4 committed.

5 (6) The period prescribed in subsection (2)(b) is extended in a prosecution for misdemeanor  
6 violations of the laws regulating the activities of outfitters and guides under Title 37, chapter 47, and  
7 prosecution must be brought within 3 years after an offense is committed.

8 (7) (a) An offense is committed either when every element occurs or, when the offense is based  
9 upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts  
10 to run on the day after the offense is committed.

11 (b) A prosecution for theft under 45-6-301 may be commenced at any time during the 5 years  
12 following the date of the theft, whether or not the offender is in possession of or otherwise exerting  
13 unauthorized control over the property at the time the prosecution is commenced. After the 5-year period  
14 ends, a prosecution may be commenced at any time if the offender is still in possession of or otherwise  
15 exerting unauthorized control over the property.

16 (8) A prosecution is commenced either when an indictment is found or an information or complaint  
17 is filed."

18 -END-

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN BOB CLARK**, on February 8, 1995, at  
7:00 AM.

**ROLL CALL**

**Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Shiell Anderson, Vice Chairman (Majority) (R)  
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)  
Rep. Chris Ahner (R)  
Rep. Ellen Bergman (R)  
Rep. William E. Boharski (R)  
Rep. Bill Carey (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Duane Grimes (R)  
Rep. Joan Hurdle (D)  
Rep. Deb Kottel (D)  
Rep. Linda McCulloch (D)  
Rep. Daniel W. McGee (R)  
Rep. Brad Molnar (R)  
Rep. Debbie Shea (D)  
Rep. Liz Smith (R)  
Rep. Loren L. Soft (R)  
Rep. Bill Tash (R)  
Rep. Cliff Trexler (R)

**Members Excused:** NONE

**Members Absent:** NONE

**Staff Present:** John MacMaster, Legislative Council  
Joanne Gunderson, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: HB 315, HB 322, HB 355, HB 402  
Executive Action: HB 55, HB 271, HB 402 POSTPONE ACTION  
HB 191, HB 290 HB 302 TABLE  
HB 74 DO PASS AS AMENDED  
HB 217 DO PASS AS AMENDED  
HB 253 DO PASS AS AMENDED  
HB 347 DO PASS AS AMENDED

REP. HURDLE asked the sponsor if the Billings police union was aware of this bill.

REP. NELSON said they were.

Closing by Sponsor:

REP. NELSON closed.

EXECUTIVE ACTION ON HB 402

Motion: REP. AHNER MOVED HB 402 DO PASS.

Discussion: REP. SMITH recalled the testimony that said deputy sheriffs were not included, but stated that under consolidation the officers are a single group. Secondly, she did not understand the use of the word, "members."

CHAIRMAN CLARK explained that dispatchers and other employees in law enforcement agencies were also under the authority of police commissions.

REP. SMITH wanted to know if those areas which have consolidated still have a police commission.

CHAIRMAN CLARK could not answer the question, nor could Mr. MacMaster.

Motion/Vote: REP. SMITH MOVED TO POSTPONE ACTION ON HB 402. The motion carried, 14-3. REPS. WYATT, AHNER and TREXLER voted no.

HEARING ON HB 355

Opening Statement by Sponsor:

REP. WILLIAM REHBEIN, HD 100, said HB 355 would simply ask for a change in the statute of limitations to stay in effect as long as the person who stole property had that property in his possession. The current law leaves questions about when the statute of limitations begins.

Proponents' Testimony:

Gary Ryder, Deputy County Attorney, Richland County, said the basis for the bill came from a Supreme Court decision in December 1994 where the Montana Supreme Court ruled that the statute of limitations expires for prosecution for stolen property at the time the property is stolen. He believed that an amendment would be added to limit the statute of limitations to one year after discovery of the stolen property.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

CHAIRMAN CLARK asked if there were copies of the proposed amendments. Mr. Rider did not have them, but the sponsor had a conceptual amendment for line 15 on page 2 which he described to the committee.

REP. BOHARSKI asked if the same language of the conceptual amendment should apply on page 1, lines 25 and 26. The sponsor agreed.

REP. BOHARSKI asked about the need for the language on lines 11 through 13 on page 2. The sponsor said it was added at the recommendation of SPEAKER MERCER to clarify the bill but was not necessary.

REP. BOHARSKI felt they were redundant and the sponsor said he tentatively agreed.

REP. BOHARSKI asked what 45-6-301, MCA, included. The sponsor said that was the "theft statute."

REP. HURDLE inquired about the meaning of the language in the bill as it applied to a person who committed a crime at age 13 and whether the person could be prosecuted at 18. When the sponsor said he did not think so, she asked him to repeat the purpose of the bill from his opening statement, which he did.

Mr. Rider clarified the language concerning the juvenile offender. At the time that the offense is committed, the prosecution must take place.

CHAIRMAN CLARK asked if the proposed amendment deleted anything that is currently in the bill. Mr. Rider said it did not and the Chairman said the committee staff counsel would review it.

Closing by Sponsor:

REP. REHBEIN closed with a reiteration of the intent of the bill.

HEARING ON HB 322Opening Statement by Sponsor:

REP. CHASE HIBBARD, HD 54, presented HB 322 on behalf of the Montana Innkeepers' Association. He said it was a variation on a national model from the American Motel and Hotel Association. The model was designed to define the rights and responsibilities of lodging operators and guests specifically patterned after a



Opponents' Testimony:

None

Questions From Committee Members and Responses:

CHAIRMAN CLARK asked if there were copies of the proposed amendments. Mr. Rider did not have them, but the sponsor had a conceptual amendment for line 15 on page 2 which he described to the committee.

REP. BOHARSKI asked if the same language of the conceptual amendment should apply on page 1, lines 25 and 26. The sponsor agreed.

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REP. HURDLE inquired about the meaning of the language in the bill as it applied to a person who committed a crime at age 13 and whether the person could be prosecuted at 18. When the sponsor said he did not think so, she asked him to repeat the purpose of the bill from his opening statement, which he did.

Mr. Rider clarified the language concerning the juvenile offender. At the time that the offense is committed, the prosecution must take place.

CHAIRMAN CLARK asked if the proposed amendment deleted anything that is currently in the bill. Mr. Rider said it did not and the Chairman said the committee staff counsel would review it.

Closing by Sponsor:

REP. REHBEIN closed with a reiteration of the intent of the bill.

HEARING ON HB 322

Opening Statement by Sponsor:

REP. CHASE HIBBARD, HD 54, presented HB 322 on behalf of the Montana Innkeepers' Association. He said it was a variation on a national model from the American Motel and Hotel Association. The model was designed to define the rights and responsibilities of lodging operators and guests specifically patterned after a

being a felony. REP. SOFT also had suggestions for other ingredients in the amendment. Other committee members had input for their consideration.

Motion/Vote: REP. MC GEE MADE A SUBSTITUTE MOTION TO POSTPONE ACTION. The motion carried unanimously.

EXECUTIVE ACTION ON HB 315

Motion: REP. SHEA MOVED HB 315 DO PASS.

Discussion: REP. SOFT asked if it was necessary for a volunteer fire department to be involved in the clean-up of hazardous spills.

CHAIRMAN BOB CLARK said they are under obligation to try to contain that spill when they respond.

REP. LINDA MC CULLOCH said that they may not know that hazardous waste is involved when they respond to a call.

Vote: The motion carried unanimously.

EXECUTIVE ACTION ON HB 355

Motion: REP. ANDERSON MOVED HB 355 DO PASS AS AMENDED.

Motion: REP. GRIMES MOVED TO AMEND PAGE 2, LINE 15 AFTER "PROPERTY" INSERT "WITHIN ONE YEAR OF DISCOVERY OF THE OFFENSE BY INVESTIGATING OFFICERS."

Discussion: REP. BILL CAREY asked if they needed to add the word, "alleged," after "offender" on line 14.

Mr. MacMaster replied that they did not. He could not reconcile the meaning with the amendments because it introduced a second time period. Committee discussion followed and the wording was left to the discretion of Mr. MacMaster.

REP. BILL TASH addressed lines 23, 24 and 25 on page 1 as needing the same language change; but CHAIRMAN CLARK pointed out that that was dealing with a different issue.

Vote: The motion carried unanimously by voice vote.

Motion/Vote: REP. TASH MOVED HB 355 DO PASS AS AMENDED. The motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 322

Motion: REP. SOFT MOVED HB 322 DO PASS.



## HOUSE STANDING COMMITTEE REPORT

February 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 355 (first reading copy -- white) do pass as amended.

Signed: Bob Clark  
Bob Clark, Chair

And, that such amendments read:

1. Page 2, line 15.

Following: "property"

Insert: ", except that the prosecution must be commenced within 1 year after the investigating officer discovers that the offender still possesses or is otherwise exerting unauthorized control over the property"

-END-

2-11  
mm

Committee Vote:  
Yes 19, No 0.

360808SC.Hbk

## MINUTES

### MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

Call to Order: By ACTING CHAIRMAN MIKE HALLIGAN, on March 10, 1995, at 9:00 a.m.

#### ROLL CALL

##### Members Present:

Sen. Bruce D. Crippen, Chairman (R)  
Sen. Al Bishop, Vice Chairman (R)  
Sen. Larry L. Baer (R)  
Sen. Sharon Estrada (R)  
Sen. Lorents Grosfield (R)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Sue Bartlett (D)  
Sen. Steve Doherty (D)  
Sen. Mike Halligan (D)  
Sen. Linda J. Nelson (D)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Council  
Judy Keintz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### Committee Business Summary:

Hearing: HB 74, HB 355, HB 551  
Executive Action: HB 157, HB 355

#### HEARING ON HB 355

##### Opening Statement by Sponsor:

REPRESENTATIVE BILL REHBEIN, House District 100, Sidney, presented HB 355. This bill deals with stolen property. If someone has stolen property and it is still in his possession, then law enforcement can go after him. Current law tended to say that a person could steal property, hide it for five years and then be free from prosecution. They do not believe that is the way the law was intended.

Proponents' Testimony:

Gary Reier, Assistant County Attorney, Richland County, stated the reason for the proposal for HB 355 is because of a Montana Supreme Court decision. In this case an individual had stolen some property and had it at his farm. Because the property had been stolen more than five years from the date, the Supreme Court said the statute of limitation had expired. That is bad law because it encourages a person to hide property and if hidden long enough, they get to keep the property. The theft statute uses terms such as "conceal or use property" which is a continuing act. The Supreme Court stated the legislature should designate that the statute of limitations continues under those circumstances. The reason for the proposal is if a person steals property and continues to hold possession of that stolen property, the statute of limitations stays in effect until the time that the investigating officers discover the stolen property. After it is discovered, there is a year to prosecute.

Marty Lambert, Chief Deputy County Attorney for Gallatin County, stated the Montana County Attorneys Association supports the bill which remedies an inequitable situation which now exists in the law.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REPRESENTATIVE REHBEIN offered no further remarks on closing.

EXECUTIVE ACTION ON HB 355

Motion/Vote: SENATOR REINY JABS MOVED HB 355 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY on oral vote.

HEARING ON HB 74

Opening Statement by Sponsor:

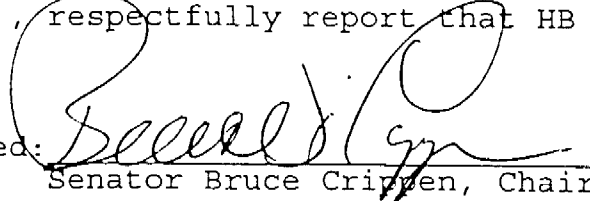
REPRESENTATIVE DON HOLLAND, House District 7, portions of Rosebud, Yellowstone and all of Treasure County, introduced HB 74. He sponsored HB 74 on behalf of the Rosebud County Commissioners. The heart of the bill was in Paragraph 2, Section 1, of the code, stating, "in civil actions, the court shall notify the jurors that they may impose economic sanctions if they determine the case to be frivolous or brought for purposes of harassment." On several occasions, there have been cases brought before the district court that were frivolous and

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 10, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 355 (third reading copy -- blue), respectfully report that HB 355 be concurred in.

Signed: 

Senator Bruce Crippen, Chair

## HOUSE BILL NO. 355

INTRODUCED BY REHBEIN, COLE, RANEY, MERCER, HOLLAND, ZOOK, DEVANEY, TVEIT, KASTEN

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE PERIOD OF TIME WITHIN WHICH A PROSECUTION FOR THEFT MUST BE COMMENCED; AND AMENDING SECTION 45-1-205, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 45-1-205, MCA, is amended to read:

**"45-1-205. General time limitations.** (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) A prosecution under 45-5-502 through 45-5-505, 45-5-507, 45-5-625, or 45-5-627 may be commenced within 5 years after the victim reaches the age of 18 if the victim was less than 18 years old at the time that the offense occurred.

(2) Except as provided in subsection (7)(b) or as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

(b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

(3) The periods prescribed in subsection (2) are extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:

(a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination of the minority or incompetency;

(b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.

(4) The period prescribed in subsection (2) must be extended in a prosecution for unlawful use of a computer, and prosecution must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery,

1 within 1 year after the prosecuting officer becomes aware of the offense.

2 (5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and  
3 wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is  
4 committed.

5 (6) The period prescribed in subsection (2)(b) is extended in a prosecution for misdemeanor  
6 violations of the laws regulating the activities of outfitters and guides under Title 37, chapter 47, and  
7 prosecution must be brought within 3 years after an offense is committed.

8 (7) (a) An offense is committed either when every element occurs or, when the offense is based  
9 upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts  
10 to run on the day after the offense is committed.

11 (b) A prosecution for theft under 45-6-301 may be commenced at any time during the 5 years  
12 following the date of the theft, whether or not the offender is in possession of or otherwise exerting  
13 unauthorized control over the property at the time the prosecution is commenced. After the 5-year period  
14 ends, a prosecution may be commenced at any time if the offender is still in possession of or otherwise  
15 exerting unauthorized control over the property, EXCEPT THAT THE PROSECUTION MUST BE  
16 COMMENCED WITHIN 1 YEAR AFTER THE INVESTIGATING OFFICER DISCOVERS THAT THE OFFENDER  
17 STILL POSSESSES OR IS OTHERWISE EXERTING UNAUTHORIZED CONTROL OVER THE PROPERTY.

18 (8) A prosecution is commenced either when an indictment is found or an information or complaint  
19 is filed."

20 -END-